

REMARKS/ARGUMENTS

Claims 1-5 were rejected under 35 U.S.C. §102(b) as being anticipated by Matsui, JP 09-102143 A. Reconsideration of the rejection is respectfully requested.

Independent claim 1 has been amended to provide, in pertinent part, that, “the positions of said recorded pits and said land pre-pits being such that at least one pair of a recorded pit and a land pre-pit are mutually adjacent in a radial direction of the optical information recording media.” Antecedent basis for this amendment to independent claim 1 is found, for example, on page 5, lines 15-20, page 16, lines 14-24, and page 30, lines 9-16, of the specification.

According to paragraph [0018] of Matsui, there appears to be disclosed an optical disc which forms a field which does not record information on the groove and the land and forms a prepit for track-address detection in a one side wall or each of the side walls of the groove, (see also paragraph [0035]). In contrast, independent claim 1 provides that the positions of the recorded pits and the land pre-pits are such that at least one pair of a recorded pit and a land pre-pit are mutually adjacent in a radial direction of the optical information recording media.

Claims 6-14 were rejected under 35 U.S.C. §103(a) as being unpatentable over Matsui in view of Kozuka et al., U.S. Patent No. 6,466,735 B1. Reconsideration of the rejection is respectfully requested.

In support of the rejection of independent claims 6 and 12, the Examiner alleges that Matsui fails to disclose the distances L_{in} and L_{out} and these distances being within the range of 3T to 6T, (Office Action, page 5, lines 1-7). However, in supporting the rejection of independent claims 6 and 12, the Examiner fails to even mention the feature of independent claim 12 that $0.40 \mu m \leq L_{in} \leq 0.80 \mu m$ and $0.40 \mu m \leq L_{out} \leq 0.80 \mu m$. The Examiner, in attempting to remedy the admitted deficiency of Matsui, states that, “Kozuka teaches the length of a pit ranges from 0.4 .mu.m to 1.87 .mu.m. A whole series of pits form a spiral track with a radial distance of 0.74 .mu.m between the pit lines (see col 5 lines 43-45),” (Office Action, page 5, lines 7-9).

However, column 5, lines 43-45, of Kozuka et al. refer to the length of a pit ranging from 0.4 μm to 1.87 μm and a radial distance of 0.74 μm between pit lines, as also shown in Fig. 3A of Kozuka et al. In contrast, independent claim 6 defines L_{in} as the distance between two inside edge portions of the inside protruding portion of land pre-pits, and L_{out} as the distance between two outside edge portions of the outside protruding portion of land pre-pits. In addition, independent claim 12 defines L_{in} as the distance between two inside edge portions of land pre-pits, and L_{out} as the distance between two outside edge portions of land pre-pits. The portion of Kozuka et al. cited by the Examiner does not refer to the previously mentioned dimensions of

claims 6 and 12, but merely to the total length of a pit and the distance in a radial direction between pit lines.

With regard to Inui et al., U.S. Patent No. 6,295,271 B1, used to support the rejection of claim 13, the Examiner alleges that L_{in} and L_{out} provided in claim 13, such that $0.45 \mu m \leq L_{in} \leq 0.50 \mu m$ and $0.65 \mu m \leq L_{out} \leq 0.70 \mu m$, is disclosed in column 11, lines 53-60, of Inui et al., (Office Action, page 5, lines 17-19). However, the cited portion of Inui et al. only discloses widths of the groove and the land, and does not disclose, teach, or suggest anything about the distances L_{in} and L_{out} , as defined in independent claim 12, from which dependent claim 13 is directly dependent, and as further defined in dependent claim 13.

Claims 15-19 and 21-22 were rejected under 35 U.S.C. §103(a) as being unpatentable over Matsui in view of Kozuka et al. and further in view of Yamauchi et al., U.S. Patent No. 6,088,507. Reconsideration of the rejection is respectfully requested.

In support of the rejection of independent claim 15, the Examiner admits that both Matsui and Kozuka et al. fail to disclose the provisions of independent claim 15 with regard to R_{in} and R_{out} (Office Action, page 7, lines 8-13), but asserts that, "Yamauchi teaches a whole series of pits form a spiral track with a radial distance of $0.74 \mu m$ between the pit lines and the length of pit ranges, from $0.4 \mu m$ to 2.13 (see col 6 line 40-52)," (Office Action, page 7, lines 14-16).

However, the cited portion of Yamauchi et al. only discloses the range of the length of a pit and the radial distance between pit lines, (see also Fig. 1). The cited portion of Yamauchi et al. does not disclose, teach, or suggest R_{in} , defined as the inside protruding length in the radial direction on the inside of the arc shape of the land pre-pits, and R_{out} , as the outside protruding length in the radial direction on the outside of the arc shape of the land pre-pits, the lengths R_{in} and R_{out} being such that $0.120 \mu m \leq R_{in} \leq 0.182 \mu m$ and $0.100 \mu m \leq R_{out} \leq 0.250 \mu m$, as provided in independent claim 15.

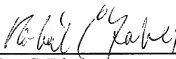
Since each of claims 2-5, 7-11, 13-14, and 16-22 is directly or indirectly dependent upon one of independent claims 1, 6, 12, and 15, each of claims 2-5, 7-11, 13-14, and 16-22 is allowable for at least the same reasons recited above with respect to the allowability of the appropriate one of independent claims 1, 6, 12, and 15.

In view of the foregoing amendments and remarks, allowance of claims 1-22 is respectfully requested.

Respectfully submitted,

THIS CORRESPONDENCE IS BEING
SUBMITTED ELECTRONICALLY
THROUGH THE PATENT AND
TRADEMARK OFFICE EFS FILING
SYSTEM ON December 18, 2008.

RCF/MIM:lac:fs



Robert C. Faber
Registration No.: 24,322
OSTROLENK, FABER, GERB & SOFFEN, LLP
1180 Avenue of the Americas
New York, New York 10036-8403
Telephone: (212) 382-0700